REMARKS

This is in response to the Office Action dated September 2. 2008. Applicant has amended the application as set forth above. In specific, claim 1 has been amended. All the features of the amended claims are fully supported by the originally filed application. Thus, the amendments do not add new matter to the application. Upon the entry of the amendments, claims 1-7 are pending in this application. Applicant respectfully requests the entry of the amendments and reconsideration of the application.

Discussion of Objection to Drawings

The Examiner objected to the drawings as failing to comply with 37 CFR 1.84(p)(4) because reference character "B" has been used to designate all of the distinct brackets.

In response, Applicant has amended FIG. 1 by each "B" with "B1", "B2" and "B3" to designate the distinct brackets and the specification showing "B" has been accordingly amended to show "B1. B2 or B3". Withdrawal of the objections is requested respectfully.

Also, the Examiner objected to the drawings as failing to comply with 37 CFR 1.83(a) because they fail to show reference character 'F' as described in the specification on page 4, paragraph 21.

In response. Applicant has amended Fig. 1 by replacing 'T' with 'F', which is evident from the figure. Withdrawal of the objections is requested respectfully.

Discussion of Objection to Abstract

The Examiner objected to the abstract as not commencing on a separate sheet in accordance with 37 CFR 1.52(b)(4). In response, Applicant has amended the abstract by to meet the written requirements. Withdrawal of the objections is requested respectfully.

Claim Rejections under 35 U.S.C. §103

The Examiner rejected claims 1-7 under 35 U.S.C. §103(a) as being unpatentable over Kim (US 2003/0044745) in view of Divis et al (Re 34,249). In response. Applicant has amended Claim 1 to clarify the inventive points of the independent claim.

The Patent and Trademark Office has the burden under section 103 to establish a *prima facie case* of obviousness. In re *Piasecki,* 745 F.2d 1468, 1471-72, 223 USPQ 785, 787-87

(Fed. Cir. 1984).   To establish a *prima facie case* of obviousness, three basic criteria must be met: first. the prior art reference (or references when combined) must teach or suggest all the claim limitations; second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; finally, there must be a reasonable expectation of success. M.P.E.P. §2143.

Applicant submits *prima facie case* of obviousness has not been established. Claim 1 of the present invention comprises a fixed holding part (111) having a penetrated thread hole (113), a movable holding part (121) having a supporting protrusion (129), an anchor position setting up part (141), and an adjusting screw (151). (See Fig. 2)

In contrast, Kim's devices includes tooth supports (20a, 20b), a pair of locating protrusions (30a, 30b). and anchor positioning units (40a, 40b) (See Figs. 2-4). First of all, the tooth supports (20a, 20b) of the cited reference are identical, therefore does not teach or suggest a fixed holding part (111) or a movable holding part (121) of the present invention. There is no distinction of a "fixed" one from a "movable" one in the Kim's device, especially considering that the movable holding part (121) of the present invention comprises a pointed end as shown in Fig. 2-8.

This pointed end of the movable holding part disclosed in the instant application is aligned with the adjusting screw, such that the distance between the fixed holding part and the movable part is adjusted regardless of size of the gum and conforming to the size of the gum such that the anchor position setting up part is arranged at the side of the gum, which is never taught or suggested by the cited reference.

In the cited reference, since both the tooth supports (20a, 20b) extend fully downward over the gum, it is impossible for the distance between them to be adjusted without regard to the size of the gum. The lower part of one of the tooth supports (20a, 20b) cannot help but touching the gum first and cannot approach further toward each other.

The Examiner stated "Divis et al do teach a threaded adjusting screw (Figures 1-3) that provides support for adjustment of an anchor. Applicant respectfully disagrees with the Examiner.

Divis discloses an interdental immobilization device, which includes a shaft (11) extendable through a cone (16) and attachable to a nut (17). (See col. 4, lines 52-59)

Perhaps combining Kim's device with Divis's interdental immobilization device may not be so challenging. Still, the combined structure does NOT teach any of a 'fixed' holding part, a 'movable' holding part, and a supporting protrusion.

Even though the cone (16) is attached to the locating protrusion (30a) and the nut (17) to the locating protrusion (30b), there is no such structure of, for example, a supporting protrusion with the pointed end.

Therefore, Kim, Divis, or their combination does not teach or suggest the features in structure and associated function of the present invention. Applicant respectfully requests withdrawal of the rejections.
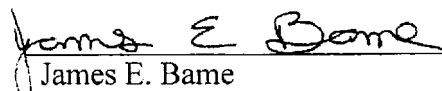
Although applicant has not addressed the issue of claims 2-6, Applicant respectfully submits that claims 2-7 depend directly or indirectly from claim 1. Applicant respectfully requests prompt allowance of this application.

Conclusion

In view of the amendments and remarks made above, it is respectfully submitted that claims 1-7 are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

Respectively submitted,

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James E. Bame
Regis. No. 44521
Tel: 213-637-5633
IPLA   P.A.
3580 Wilshire Blvd 17th Fl.
Los Angeles, CA 90010